

SENATE BILL NO. 128—SENATORS O'DONNELL, O'CONNELL, AMODEI, COFFIN, JACOBSEN, JAMES, MATHEWS, MCGINNESS, NEAL, PORTER, RAGGIO, RAWSON, RHOADS, SCHNEIDER, SHAFFER, TOWNSEND AND WASHINGTON

FEBRUARY 5, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Authorizes state contractor's board to order provider of telephone service to disconnect telephone number included in certain advertisements for services for which advertiser does not have license. (BDR 54-607)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to contractors; authorizing the state contractor's board to order providers of telephone service to disconnect a telephone number included in certain advertisements for services for which the advertiser does not have the required license; requiring each provider of telephone service to disconnect the telephone number for which an order has been received; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 624.3017 is hereby amended to read as follows:
- 2 624.3017 The following acts, among others, constitute cause for
- 3 disciplinary action under NRS 624.300:
- 4 1. Workmanship which is not commensurate with standards of the
- 5 trade in general or which is below the standards in the building or
- 6 construction codes adopted by the city or county in which the work is
- 7 performed. If no applicable building or construction code has been adopted
- 8 locally, then workmanship must meet the standards prescribed in the
- 9 Uniform Building Code, Uniform Plumbing Code or National Electrical
- 10 Code in the form of the code most recently approved by the board. The
- 11 board shall review each edition of the Uniform Building Code, Uniform
- 12 Plumbing Code or National Electrical Code that is published after the 1996

1 edition to ensure its suitability. Each new edition of the code shall be
2 deemed approved by the board unless the edition is disapproved by the
3 board within 60 days of the publication of the code.

4 2. Advertising projects of construction without including in the
5 advertisements the name and license number of the licensed contractor who
6 is responsible for the construction.

7 ***3. Advertising projects of construction beyond the scope of the***
8 ***license.***

9 **Sec. 2.** NRS 624.307 is hereby amended to read as follows:

10 624.307 1. It is unlawful for any person, including a person exempt
11 under ***the provisions of*** NRS 624.330, to advertise as a contractor unless he
12 has a ~~invalid~~ license in the appropriate classification established by ***the***
13 ***provisions of*** NRS 624.215 and 624.220.

14 2. ***All advertising by a licensed contractor must include the number***
15 ***of his license.***

16 3. ***If, upon investigation, the board or the executive officer has***
17 ***probable cause to believe that a person has engaged in advertising in a***
18 ***telephone directory that violates the provisions of this section, the board***
19 ***or the executive officer may issue an order to cease and desist the***
20 ***unlawful advertising. The order must be served personally or by certified***
21 ***mail and is effective upon receipt.***

22 4. ***A person who is issued an order to cease and desist pursuant to***
23 ***subsection 3 may contest the order within 15 days after the date that he***
24 ***receives the order. If the person contests the order within 15 days after he***
25 ***receives the order, the board shall hold a hearing pursuant to NRS***
26 ***624.310 within 90 days after the date that the board receives the***
27 ***notification. If the person does not contest the order within 15 days after***
28 ***the date that he receives the order, the order shall be deemed a final***
29 ***order of the board.***

30 5. ***If the order becomes a final order of the board, the board may, in***
31 ***addition to any penalty, punishment or disciplinary action authorized by***
32 ***the provisions of this chapter, issue an order that requires any telephone***
33 ***number included in the advertisement to be disconnected from service.***
34 ***The board shall forward the order to the appropriate provider of***
35 ***telephone service within 5 days after the order is issued.***

36 6. ***Compliance in good faith by a provider of telephone service with***
37 ***an order of the board to terminate service issued pursuant to this section***
38 ***shall constitute a complete defense to any civil or criminal action brought***
39 ***against the provider of telephone service arising from the termination of***
40 ***service.***

41 7. As used in this section ~~[-“advertising”]~~ :

42 (a) ***“Advertising”*** includes , but is not limited to , the issuance of any
43 sign, card or device , or ~~by~~ the permitting or allowing of any sign or

1 marking on a motor vehicle, in any building, structure, newspaper,
2 magazine or airway transmission or in any directory under the listing of
3 “contractor ” with or without any limiting qualifications.

4 ~~{3. All advertising by a licensed contractor must include the number of~~
5 ~~his license.}~~

6 *(b) “Provider of telephone service” has the meaning ascribed to it in*
7 *NRS 707.355.*

8 **Sec. 3.** NRS 624.310 is hereby amended to read as follows:

9 624.310 1. Except as otherwise provided in subsection 4, if the board
10 refuses to issue or renew a license, suspends or revokes a license , *issues an*
11 *order to cease and desist pursuant to subsection 3 of NRS 624.307* or
12 imposes an administrative fine pursuant to NRS 624.235, the board shall
13 hold a hearing. The time and place for the hearing must be fixed by the
14 board, and notice of the time and place of the hearing must be personally
15 served on the applicant or accused or mailed to the last known address of
16 the applicant or accused at least 30 days before the date fixed for the
17 hearing.

18 2. The testimony taken pursuant to NRS 624.170 to 624.210, inclusive,
19 must be considered a part of the record of the hearing before the board.

20 3. The hearing must be public if a request is made therefor.

21 4. The board may suspend the license of a contractor without a hearing
22 if the board finds, based upon evidence in its possession, that the public
23 health, safety or welfare imperatively requires summary suspension of the
24 license of the contractor and incorporates that finding in its order. If the
25 board summarily suspends the license of the contractor, a hearing must be
26 held within 30 days after the suspension.

27 **Sec. 4.** NRS 707.355 is hereby amended to read as follows:

28 707.355 1. Each provider of telephone service in this state shall,
29 when notified that ~~{a}~~ :

30 *(a) A court has ordered the disconnection of a telephone number*
31 *pursuant to NRS 706.2855 ~~{1}~~ ; or*

32 *(b) The state contractor’s board has ordered the disconnection of a*
33 *telephone number pursuant to NRS 624.307,*

34 take such action as is necessary to carry out the order of the court ~~{1}~~ *or the*
35 *state contractor’s board.*

36 2. *A provider of telephone service shall not:*

37 *(a) Forward or offer to forward the telephone calls of a telephone*
38 *number disconnected from service pursuant to the provisions of this*
39 *section; or*

40 *(b) Provide or offer to provide a recorded message that includes the*
41 *new telephone number for a business whose telephone number was*
42 *disconnected from service pursuant to the provisions of this section.*

- 1 **3.** As used in this section, “provider of telephone service” includes, but
- 2 is not limited to:
- 3 (a) A public utility furnishing telephone service.
- 4 (b) A provider of cellular or other service to a telephone that is installed
- 5 in a vehicle or is otherwise portable.

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